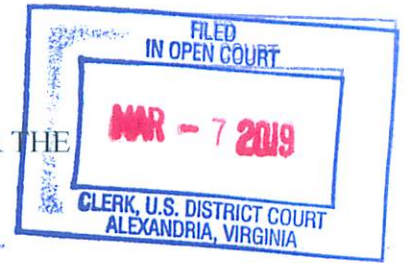


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA

v.

ANDREW W. CHEVEERS,

Defendant.

)
) Criminal No. 1:19-CR-⁶⁴~~XX~~ CMH
)

) The Hon. Judge CLAUDE M. HILTON
)
)

STATEMENT OF FACTS

The United States and the defendant, ANDREW W. CHEVEERS, agree that the allegations in the criminal Information and the following facts are true and correct, and that had the matter gone to trial the United States would have proven them beyond a reasonable doubt with admissible and credible evidence:

1. From in or around July 2016 through in or around November 2016, in the Eastern District of Virginia and elsewhere, the defendant did knowingly and willfully embezzle, steal, purloin, or convert to his use or the use of another property belonging to the Office of the Inspector General ("OIG") of the U.S. Department of State ("State"), to wit: no fewer than fourteen and no more than sixteen Microsoft Surface Pro tablet devices, each having a value in excess of \$1,000, in violation of Title 18, United States Code, Section 641.

2. Additionally, from in or around July 2016 through in or around February 2017, both dates being approximate, the defendant violated 18 U.S.C. § 641 by selling the stolen Microsoft Surface Pro tablet devices, through his use of the telephone, as well as his use of email, Craigslist, PayPal, and eBay accounts, in order to profit from his fraudulent scheme.

3. In or about May 2016, State OIG purchased 440 Microsoft Surface Pro tablet devices (computers) with 512 GB solid-state drive (SSD) storage capacity, 16 GB RAM, and Windows 10 Enterprise compatibility, for \$2,021 each (hereafter, the “State OIG Devices”).

4. The newly acquired State OIG Devices were delivered to State OIG’s office in Arlington, Virginia, which is located within the Eastern District of Virginia. In or about May 2016, State OIG’s Information Technology Division (“OIG IT”) began configuring the State OIG Devices prior to distributing them to State OIG employees. Contractors worked with OIG IT personnel on this task.

5. The defendant was one of these contractors. He assisted OIG IT in configuring the State OIG Devices in Arlington, Virginia from on or about July 25, 2016 through on or about November 23, 2016. During his time working as a contractor for the State Department, the defendant held a security clearance that allowed him to access certain sensitive information.

6. In or about February 2017, State OIG’s Administration Office (“AO”) conducted its annual inventory of State OIG property. The AO discovered that 16 of the 440 State OIG Devices, which State OIG had configured but not yet assigned to State personnel, were missing. The defendant stole at least fourteen, and potentially all sixteen, of these devices from State OIG.

7. Each State OIG Device has a unique serial number located beneath the kickstand, which State OIG previously recorded prior to configuration. OIG AO personnel also assigned each State OIG Device an OIG property number for inventory purposes, and affixed a sticker with the device’s OIG property number on the back of each State OIG Device.

8. The investigation revealed that two individuals each registered with Microsoft Corporation a device that bore the serial number of a State OIG Device: an individual identified as M.C. registered a State OIG Device bearing serial number 055031760553, and an individual

identified as K.G. registered a State OIG Device bearing serial number 054937760553. M.C. and K.G. are not State Department employees or contractors, nor have they ever been.

9. From about August 5, 2016 through about August 26, 2016, M.C. visited a friend in the Washington, D.C. area, and while he was there, he purchased 10 to 15 Microsoft Surface Pro computers through the Internet using Craigslist. The defendant sold a number of State OIG devices directly to M.C.

10. In or about August 2016, there was only one Craigslist post in the Washington, D.C. area advertising Microsoft Surface Pro devices for sale with specifications matching those of the State OIG Devices (*e.g.*, 512 GB SSD). This post was created on August 10, 2016 and renewed multiple times during the month of August. The post advertised a “New Microsoft Surface Pro 4 Core i5-16GB -512GB w/ extras.” The defendant authored that post and used the email account drew0725@gmail.com as the “reply to” address for the post.

11. Shortly after posting the August 10, 2016 advertisement on Craigslist, the defendant began communicating with M.C. via telephone calls. Additionally, the defendant and M.C. exchanged hundreds of text messages. In these messages, the defendant arranged to sell multiple Microsoft Surface Pro devices to M.C., and in at least one instance, M.C. arranged to pay the defendant electronically.

12. Specifically, during a text message exchange on August 16, 2016, M.C. agreed to purchase a “surface” from the defendant and they arranged to meet at a coffee shop in College Park, Maryland. At this meeting, the defendant sold a State OIG Device to M.C.

13. During a text message exchange on August 17, 2016, the defendant and M.C. discussed meeting again, this time at the Ballston Metro Station in Arlington, Virginia. On that same date, the defendant sold M.C. another State OIG Device during this meeting.

14. During a text message exchange on August 22, 2016, M.C. arranged to purchase another State OIG Device from the defendant. M.C. asked the defendant “You have another surface for sale?” M.C. further stated that he “need[ed] 1 more” and asked if the defendant would sell at the same price. The defendant responded, “I’m tryna get more for this one. Since it’s the last one I’ll have for a while,” and subsequently text messaged the email address “acheveers@gmail.com” to M.C., who replied via text, “Also that email address is correct? Don’t want the money going to the wrong person lol.” The defendant replied, “Yea man. It matches with my name too so you know I’m no fraud. Lol.” M.C. paid the defendant approximately \$1,130 via PayPal on August 22, 2016.

15. M.C. made a number of additional payments to the defendant in September, November, and December of 2016, as well as February of 2017, in exchange for additional State OIG Devices. On September 26, 2016, M.C. paid the defendant approximately \$1,175 via PayPal. On November 18, 2016, M.C. sent the defendant \$1,100 using Square Cash, which is a mobile payment service. The payment was “for sp4, case, 2 pens, keyboard,” and “sp4” is short for “Surface Pro 4.” On November 21, 2016, M.C. again sent the defendant \$1,100 using Square Cash. On November 22, 2016, November 23, 2016, December 22, 2016, and February 11, 2017, M.C. sent the defendant \$1,100 per transaction using Google Wallet.

16. As described above, an individual identified as K.G. registered a Microsoft Surface Pro bearing the serial number of a State OIG Device with Microsoft Corporation. On or about November 26, 2016, K.G. purchased his Microsoft Surface Pro from an individual with the username “surface_store” on eBay for \$1,490. State OIG took possession of this computer and confirmed that it is, in fact, a missing State OIG Device.

17. The username “surface_store” belongs to a virtual storefront named “The Surface Store,” and the email accounts associated with the storefront were or are used by M.C. M.C. sold a number of other Microsoft Surface Pro computers that had specifications matching those of the missing State OIG Devices using this storefront.

18. In addition to K.G., at least four other individuals purchased a missing State OIG Device from M.C. through eBay. The defendant sold all of these State OIG devices to M.C.

- a. E.S. purchased a Microsoft Surface Pro bearing the serial number of a missing State OIG Device from M.C. on or about September 1, 2016 for \$1,515.
- b. J.G. purchased a Microsoft Surface Pro from M.C. on or about November 21, 2016 for approximately \$1,450.
- c. C.J. purchased a Microsoft Surface Pro bearing the serial number of a missing State OIG Device from M.C. on or about October 30, 2016 for \$1,450.
- d. B.H. purchased a Microsoft Surface Pro bearing the serial number of a missing State OIG Device from M.C. on or about November 22, 2016 for \$1,580.

19. In addition to selling State OIG Devices to M.C., the defendant sold a State OIG Device directly to an individual identified as K.W. On November 7, 2016, K.W. paid the defendant approximately \$1,475 via PayPal for a device bearing the serial number of a State OIG Device, which K.W. purchased from the defendant on eBay.

20. The acts taken by the defendant in furtherance of the offense charged in this case, including the acts described above, were done willfully, knowingly, and with the specific intent to violate the law, and were not committed by mistake, accident, or other innocent reason.

21. The defendant acknowledges that the foregoing Statement of Facts does not describe all of his conduct relating to the offense charged in this case nor does it identify all of the persons with whom the defendant may have engaged in illegal activities.

22. The Statement of Facts shall be admissible as a knowing and voluntary confession in any proceeding against the defendant regardless of whether his plea is accepted by the court. Moreover, the defendant waives any rights that he may have under Fed. R. Crim. P. 11(f), Fed. R. Evid. 410, the United States Constitution, and any federal statute or rule in objecting to the admissibility of the Statement of Facts in any such proceeding.

Respectfully submitted,

G. Zachary Terwilliger
United States Attorney

By:



Katherine Celeste
Special Assistant United States Attorney

Raj Parekh
Assistant United States Attorney

Defendant's Stipulation and Signature

After consulting with my attorney and pursuant to the plea agreement entered into this day between the United States and me, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.



ANDREW W. CHEVEERS
Defendant

Defense Counsel's Signature

I am the attorney for ANDREW W. CHEVEERS. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.



Whitney Minter, Esq.
Counsel for the Defendant